

PATENT
Customer No. 22,852
Attorney Docket No. 02734.0411-02000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Dean P. SWOBODA) Group Art Unit: 1772
)
Application No.: 10/801,825) Examiner: Sandra M. Nolan
)
Filed: March 17, 2004)
)
For: TEXTURE-COATED INSULATING) Confirmation No.: 2991
 PAPERBOARD CONTAINERS
 (as amended))

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, FORT JAMES CORPORATION, duly organized under the laws of VIRGINIA and having its principal place of business at 133 PEACHTREE STREET NE, ATLANTA, GEORGIA 30303, represents that it is the Assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/801,825, filed March 17, 2004, for COATED PAPERBOARDS AND PAPERBOARD CONTAINERS HAVING IMPROVED TACTILE AND BULK INSULATION PROPERTIES in the names of Dean P. SWOBODA, Anthony J. SWIONTEK, Timothy P. HARTJES, Kenneth J. SHANTON, and Erland SANDSTROM, as indicated by assignment duly recorded in the United States Patent and Trademark Office for the parent to this application, Application Serial No. 09/018,563 (now U.S. Patent No. 6,740,373), at Reel 009410, Frame 0813,

on August 13, 1998. Assignee, FORT JAMES CORPORATION, further represents that it is the Assignee of the entire right, title, and interest in and to U.S. Patent No. 6,379,497, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 010268, Frame 0370, on September 27, 1999.

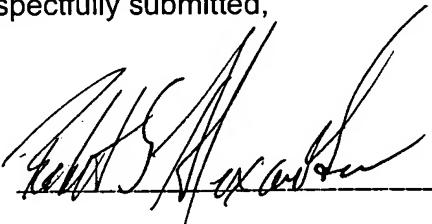
To obviate an obviousness-type double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,379,497. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee and its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer. If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If any fee is required for an extension of time under 37 C.F.R. § 1.136 not already requested or charged, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is authorized to act on behalf of Assignee FORT JAMES CORPORATION. I hereby declare that all statements made of my own knowledge and belief are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: 

Name: Robert S. Alexander
Title: Assistant Secretary
Assignee: FORT JAMES CORPORATION

Dated: January 7, 2005